

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201800637	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Abuse	<input type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/17/2018 6:30 PM	Location of Incident: 18-18 Hazen Street	Precinct: 114	18 Mo. SOL 7/17/2019	EO SOL 7/17/2019	
Date/Time CV Reported Wed, 01/17/2018 11:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/24/2018 11:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Sheldon Smith	3024	933584	052 DET
2. DT3 Steven Reyes	3287	931027	052 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Sheldon Smith	Force: Detective Sheldon Smith used physical force against § 87(2)(b)	
B.DT3 Steven Reyes	Force: Detective Steven Reyes used physical force against § 87(2)(b)	

Case Summary

On January 17, 2018, this complaint was filed over the phone with the Internal Affairs Bureau by Captain Albert Lindquist, on behalf of § 87(2)(b) an injured prisoner. It was referred to the CCRB, and received on January 24, 2018, under log number 18-2888.

On January 17, 2018, at approximately 6:30 p.m., § 87(2)(b) was arrested outside of 18-18 Hazen Street, on Riker's Island, in Queens, by DT Sheldon Smith and DT Steven Reyes of the 52nd Precinct Detective squad. § 87(2)(b) was being released from jail after serving a brief sentence, and the detectives were there to re-arrest him for a different crime he had allegedly committed prior to his incarceration. § 87(2)(b) resisted his arrest. At one point, after § 87(2)(b) had been handcuffed and placed in the back of the detective's vehicle, he opened the car door and attempted to run away from the officers on foot. He fell to the ground with DT Smith, who had jumped onto his back, and DT Reyes came over to him and allegedly kicked him in the testicles (**Allegations A and B – Force: Exonerated**, § 87(2)(g)). The officers placed § 87(2)(b) in shackles and brought him back into the vehicle.

There is no relevant video footage available for this incident.

Findings and Recommendations

Allegation (A) Force: Detective Sheldon Smith used physical force against § 87(2)(b)

Allegation (B) Force: Detective Steven Reyes used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 01) described being placed in the back seat of DT Reyes' vehicle with DT Smith with his wrists handcuffed in front of his body. He opened the passenger side door and tried to step out of the vehicle. DT Smith jumped on his back and they both fell onto the ground outside the vehicle. Then DT Reyes, who had been standing outside the vehicle on the driver's side, came around the car and kicked § 87(2)(b) in the testicles. The detectives both restrained § 87(2)(b) eventually lifting him up and putting him in the vehicle to be transported to the stationhouse. § 87(2)(b) was later taken to the hospital, where he complained of pain to his testicles but was not diagnosed with any injury (Board Review 02).

DT Reyes (Board Review 03) and DT Smith (Board Review 04) gave consistent testimony about the incident. DT Reyes stated that he approached § 87(2)(b) after he had attempted to escape the vehicle and been tackled to the ground by DT Smith. He held § 87(2)(b) to prevent him from escaping, but never struck him and did not kick him in the testicles. DT Smith testified that he grabbed § 87(2)(b) in a bear hug from behind as he tried to escape, and they fell to the ground together. DT Smith corroborated that DT Reyes never kicked § 87(2)(b) and just helped restrain him after he got out of the car and started walking away.

Under the provisions of Patrol Guide Procedure 221-01, officers are permitted to use force to take someone into custody provided that the force is reasonable under the circumstances (Board Review 09).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
- DT Reyes has been a member of service for 16 years and this is the first CCRB complaint in which he has been a subject (Board Review 06)
- DT Smith has been a member of service for fourteen years and has been a subject in one CCRB complaint and one allegations, which was not substantiated. § 87(2)(g) (Board Review 10).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b)
- A request for any related Notice of Claim was sent to the New York City Comptroller's Office on November 28, 2018. No response has been received as of the date of this report (Board Review 08).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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